

Planning Commission

October 28, 2019 – 7 pm

Council Chambers

Golden Valley City Hall

7800 Golden Valley Road

REGULAR MEETING MINUTES

Call to Order

The meeting was called to order at 7 pm by Chair Blum.

Roll Call

Commissioners present: Rich Baker, Ron Blum, Adam Brookins, Andy Johnson, Lauren Pockl, Ari Prohovsky, Ryan Sadeghi, and Chuck Segelbaum

Commissioners absent: None

Staff present: Planning Manager Jason Zimmerman, Planner Myles Campbell, and Finance Director Sue Virnig

Council Liaison present: Steve Schmidgall

Approval of Agenda

MOTION made by Johnson, seconded by Segelbaum, to approve the agenda of October 28, 2019, as submitted and the motion carried unanimously.

Approval of Minutes

MOTION made by Baker, seconded by Pockl, to approve the October 14, 2019, minutes as submitted and the motion carried unanimously.

Public Hearing – Conditional Use Permit Amendment

Applicant: Borton Automotive

Address: 721 Hampshire Avenue South

Purpose: To allow for pre-owned vehicle sales in the I-394 Mixed Use Zoning District

Campbell introduced the Conditional Use Permit Amendment, which would allow for used auto sales at a location where auto repair was already taking place. He noted the property owner also owns the site to the south where they offer new vehicle sales. The site was temporarily used for vehicle sales while the showroom was under construction, and Borton would now like to use it for used vehicle sales. It is currently zoned for mixed use but is targeted to be returned to commercial zoning in the future. He stated that the current CUP, allowing for auto repair, would need to be amended to allow for auto sales.

Campbell noted that the site is 2.27 acres and there is a building footprint of roughly 39,856 square feet. There are 120 parking spaces currently provided and an internal drive access with the property to the south. A cross-access agreement is recorded. He showed a photo from the street to point out the existing landscaping and noted that no exterior changes are anticipated beyond some cosmetic improvements to the façade.



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The existing nine bays used for auto repair would be retained and an indoor showroom would be added for auto display. He noted that staff analyzed the amount of square footage proposed for each of the individual uses and calculated the number of required parking spaces at 54. With the 64 spaces set aside for outdoor display, there would be 118 spaces used leaving a surplus of two spaces. Campbell noted that the proposed hours of operation were fairly typical with 8 am to 8 pm on Monday through Thursday, 8 am to 6 pm on Friday, and 9 am to 5 pm on Saturday. With no residential uses in the area, there were no concerns.

He listed the 11 findings used to evaluate the CUP amendment and said that with conditions around limiting parking on Laurel Avenue, requiring vehicles to be loaded and unloaded on-site only, and adding some landscaping to comply with the I-394 Mixed Use Development Standards, that staff would be comfortable recommending approval.

Campbell covered the parking screening standards associated with the mixed use district which would mean adding screening 3.5 to 4 feet tall along Hampshire Avenue.

Segelbaum asked if staff had any thought on how much additional screening should be added. Campbell stated that the requirement is 50% opacity along any main frontage. Segelbaum asked why there was no screening requirement along Laurel Avenue. Campbell pointed out the issue of the parallel railroad track which does not leave room for screening to be installed.

Brookins asked about the parking concerns on Laurel and if there would be enough space on the site for employees to park. Campbell replied that the division of parking spaces between customers, employees, and display spaces would leave sufficient spaces for employees to park on-site. Brookins asked if there was enough room for loading and unloading to take place on-site. Campbell replied that he believed there was enough space for this to happen.

Pockl asked about the proposed sign permit. Campbell noted that the sign would simply advertise the used car sales. Once the CUP Amendment was approved the sign permit could move forward. Pockl also asked about any other improvements to the exterior of the building or the site. Campbell replied that nothing else was planned at this time.

Johnson asked about the sequence that resulted in auto sales taking place at this location. Zimmerman replied that while the showroom reconstruction was taking place, the Building Official gave permission for sales to be conducted out of the north lot. After the new car sales moved back, the used sales continued until it was noted that a CUP Amendment was needed to continue going forward. Johnson asked why the number of service bays were being limited in the proposed conditions. Campbell explained that the number of required parking spaces is partially dependent on the number of service bays so any addition of a service bay would impact the parking plan and would need to come back to the City for approval.

Blum asked if the site needed to be brought into compliance with the City's lighting standards. Campbell stated that no lighting changes were being proposed, but any future changes would need to comply with

the dark skies requirements. Segelbaum clarified that the lighting would be grandfathered in, but the use was changing so perhaps the lighting using might also change. Campbell agrees that the lighting for the auto sales use would need to meet the City's requirements. Zimmerman noted that a condition would not be needed since the use would normally be required to comply. Blum asked about checking on the compliance regarding parking. Campbell stated that the concerns of Public Works would likely result in occasional checks and staff would respond to any complaints.

Pat Sutter, applicant and owner of Borton Volvo, stated that they are trying to get employees off of Laurel Ave but some of those parking there are members of the public using the green space to the north. He asked why other dealerships in the area were not prohibited from parking on Florida Ave and also how screening for other dealerships would compare to what is being asked of him.

Segelbaum asked if the parking on Laurel Ave was coming from Borton Volvo or from other businesses. Sutter replied it was a combination, and that it was convenient for some of his technicians to park there because it was close to their entrance. He acknowledged that future bike lanes would likely remove some or all of the parking. Segelbaum asked to clarify the questions regarding screening. Sutter replied it was not an issue if they should screen or not, but what the screening should look like. He said customers more often look online now instead of driving by the lot. Blum asked if changes were planned for the lighting on the site. Sutter stated that the current lights would remain and had been upgraded when the lights on the neighboring lot were upgraded in 2014. Pockl asked if any other changes would be made on the exterior of the building. Sutter said no, it was just paint and minor glazing.

Blum opened the public hearing. Seeing no one wishing to speak, he closed the public hearing.

Johnson asked about the screening at the neighboring site. Zimmerman replied the Commission had previously modified the language in that CUP because of limited space at that site. Blum asked when the City's new lighting standards had been approved. Zimmerman replied he believed it would have been in 2010 or 2011. Blum asked if that meant the new lighting was compliant. Zimmerman agreed. Segelbaum commented that it is a dark corner and he would not want to restrict lighting any further.

Pockl asked who would review and approve the screening. Zimmerman said that the applicant could provide information to staff for review.

Segelbaum asked about the condition limiting parking on Laurel Ave. Blum stated he believed it was appropriate to require the applicant to provide enough parking on the site and keep cars off the street. Brookins agreed. Baker pointed out that the condition not only requires enough parking be provided on site, but that no employees park on Laurel. Segelbaum stated that if parking is being restricted in anticipation of the future bike lanes, it might be better to wait until that action took place in order to be fair to all businesses along Laurel. Baker agreed that there is a fair amount of parking along Laurel, but did not think it was appropriate to restrict use by the applicant only. Segelbaum suggested the condition be revised to state that the employer shall provide adequate parking on site. Brookins said he would prefer to leave the language at recommended as he has noticed the parking situation on Laurel. Johnson noted that if bike lanes remove parking then the proposed condition would be redundant. Pockl

pointed out that the business has shown enough spaces to be in compliance with code, and therefore it seems redundant to require the applicant to provide enough spaces. Zimmerman agrees that the proposed modification to the language would restate what is already required. Segelbaum said in that case he would favor striking the condition altogether.

Blum expressed concern that employee and customer spaces could be replaced with display spaces, pushing other cars out onto Laurel. Baker pointed out that this would be in violation of the parking requirements and the applicant would then be risking the CUP and he didn't think that was likely.

MOTION made by Segelbaum, seconded by Johnson, and motion carried 5-2 to recommend approval of an amendment to Conditional Use Permit 124 to allow for automobile sales and repair in the I-394 Mixed Use District at 721 Hampshire Avenue South, subject to the following findings and conditions. Commissioners Blum and Brookins voted no.

Findings:

1. **Demonstrated Need for Proposed Use:** Standard met. Borton Volvo's creation of a secondary location to complement their existing facility indicates there is a local market for the goods and services being provided.
2. **Consistency with the Comprehensive Plan:** Standard met. In the City's 2040 Future Land Use Map, this property is guided towards a Retail/Service Use. It is also in line with the City's stated goals of locating redevelopment along major corridors and increasing the job and tax base within the community.
3. **Effect upon Property Values:** Standard met. Staff anticipates the new uses would have no impact on the surrounding property values, as it is isolated from any residential uses.
4. **Effect on Traffic Flow and Congestion:** Standard conditionally met. Staff does not anticipate a major change in the number of trips generated by the proposed use compared to former tenants. Trips generated from the proposed uses would not exceed the capacity of the roadways. All vehicle deliveries and storage of inventory would be required to take place on-site and not on the street. The number of service bays, which helps set the number of required parking spaces, may not be increased without City approval.
5. **Effect of Increases in Population and Density:** Standard met. The proposed uses may generate an increase in the number of employees and customers at the location compared to the past uses, but are consistent with the other properties surrounding the site.
6. **Compliance with the City's Mixed-Income Housing Policy:** Not applicable.
7. **Increase in Noise Levels:** Standard conditionally met. The proposed uses are not anticipated to cause a significant increase in noise levels. Automobile repair work would be conducted within an enclosed building and would take place during normal business hours. No outside music, loudspeakers, or public address system would be allowed.
8. **Generation of Odors, Dust, Smoke, Gas, or Vibration:** Standard met. The proposed uses are not anticipated to cause an increase in dust or odor. Minimal vibrations may be associated with the auto repair use but should not impact any adjacent uses.
9. **Any Increase in Pests or Vermin:** Standard met. The proposed use is not anticipated to attract pests.

10. **Visual Appearance:** Standard conditionally met. The visual impacts of dealership inventory stored in the parking lot will be mitigated through the addition of screening. Any exterior dumpster or other disposal unit would be screening with material compatible with the building.
11. **Other Effects upon the General Public Health, Safety, and Welfare:** Standard met. Staff does not anticipate any other negative effects of the proposed uses. The location is surrounded by automobile, warehouse, and commercial properties and has adequate parking.

Conditions:

1. All vehicle deliveries and storage of inventory shall take place on-site and shall not take place on the street.
2. No parking shall be allowed within any existing landscaped area.
3. The owner shall provide an adequate number of parking spaces for all employees to park on-site.
4. The number of service bays on-site shall be limited to nine.
5. Any exterior dumpster shall be screened from view and made of material compatible with the building façade.
6. No outside music, loudspeakers, or public address system will be allowed.
7. Additional screening shall be installed consistent with the Development Standards for parking screening listed in the Zoning Code for the I-394 Mixed Use District. If vegetative screening is used, the applicant must submit a landscaping plan (number of plantings, species of plantings, etc.) to be reviewed and approved by the City Forester.
8. This approval is subject to all other state, federal, and local ordinances, regulations, or laws with authority over this development.

Presentation – Capital Improvement Program 2020-2029 – Sue Virnig, Finance Director

Zimmerman told the Commissioners that one of their duties was to review the CIP and to find that it is consistent with the goals of the Comprehensive Plan. He noted that while past plans have covered a five year time frame, the new plan covers a ten year time frame. Some of the anticipated projects will need to find dollars through grants or other sources if they are to be funded, but by plugging them into the CIP they can be planned for.

Virnig stated that any expenditure of \$5,000 is included in the plan. She reviewed an example of the Parks section of the CIP and how it tracks funding. She stated that the City moved to a ten year plan because it is better aligned with the Comprehensive Plan, and that the plan is rolling so that each year when it is reviewed a new year is added. Virnig outlined the sections, including Vehicles and Equipment, Parks, Golf Course, Buildings, Cable Casting, Storm Water, Water and Sewer, and Streets. She noted that the CIP includes the remodel of the City Council Chambers in 2020.

Segelbaum asked about the off-leash pet area budgeted for 2020. Virnig stated that the pet area was being discussed that evening at the Park and Recreation meeting and that details would be forthcoming. It was anticipated to be in Medley Park. Brookins asked about how money from other groups was tracked. Virnig replied that expected revenues are included in the front section of the CIP. Johnson asked if there are any items from the Comprehensive Plan that are not included in the CIP. Zimmerman replied

that the broad goals of the Comprehensive Plan are matched up with the infrastructure projects of the City and that some obvious alignments include flood mitigation, sanitary left station reconstruction, and transportation projects. Some projects are not included until there is a better sense of where the money might come from. Other policy goals, such as support for affordable housing, fall outside of the CIP. Johnson asked if it would make sense to list the goals from the plan that are not being funded. Zimmerman replied that it would be difficult to create a list of all of the unfunded projects. Baker agreed that the charge of the Commission is to review the consistency of the items being proposed, but not to review things that are not included. Zimmerman noted that the City Council has a chance every January during their goal setting session to add new priorities to the list for the year.

Johnson asked about an increase in the sanitary sewer and water line repair/reconstruction between 2023 and 2024 when the Infrastructure Renewal Plan begins. Virnig replied that this marks a change from the Pavement Management Program to the IRP. Blum asked if the expenditures matched the financing for those projects. Virnig said it matched the projected financing. Johnson asked about a stormwater expenditure for Brookview and wondered if the golf course was self-funding. Virnig replied that this was not a golf course expenditure, but a stormwater expenditure that happens to be in the Brookview area. Johnson asked about the Douglas roundabout expenditure and if it included the proposed tunnel. Virnig replied that it did include all improvements, including the tunnel, but it was dependent on state funding. Johnson asked about hockey rink placement. Virnig replied that it involved replacing boards around the hockey rinks and that one rink would be replaced each year.

Blum stated that he believes the expenditures are consistent with the Comprehensive Plan. He noted that many of the Parks projects are great additions, but wondered if there should be a greater focus on passive open space in the future.

MOTION made by Brookins, seconded by Sadeghi, to adopt a finding that the 2020-2029 Capital Investment Program is consistent with the goals and objectives of the 2040 Comprehensive Plan, and the motion carried unanimously.

Discussion – Narrow Lots

Zimmerman reviewed the City Council's charge to the Planning Commission, which is to review the regulations around narrow lots and recommend any zoning code changes they think might be appropriate. He stated that narrow lots are 50 feet in width or less and that the conversation would involve some outside experts to provide input. The goal is to bring forward recommendations prior to the spring building season.

Zimmerman said tonight's conversation would cover existing regulations around setbacks in side yards and front yards of corner lots, height, and massing, and would compare similar regulations of peer cities. He noted that there are some other efforts going on, including the creation of background educational materials, community engagement with residents, and the development of a forum for December 9.

He stated that there are approximately 600 narrow lots that have been developed with about 450 of them 55 to 65 feet wide and about 150 less than 55 feet wide. He displayed a map that showed where

the concentrations of these are across the city. There are approximately 720 combined lots throughout the city with about 300 that are made up of exactly two lots and 420 that consist of one-and-a-half lots and are therefore more challenging to redevelop. Zimmerman said a majority of these are 50 foot wide lots and that there is a cluster of 40 foot wide lots near Theodore Wirth Park. He displayed a second map that showed where the concentrations of these lots are across the city. He said if all of the combined lots were reestablished there could be approximately 500 new lots, though if only the most easily uncombined lots were reestablished there would be approximately 300. In the past six years there have only been five tax parcels divisions and only three of those involved narrow lots.

Segelbaum asked if any of the lots being discussed tonight were R-2 lots or part of PUDs. Zimmerman said no, lots within PUDs were governed by different regulations and none of the lots being counted tonight were R-2 zoned properties.

Zimmerman provided a review of where front, rear, and side yards are located on a lot, and what the zoning standards are for side setbacks in Golden Valley. He provided a table of side setback requirements for narrow lots in peer cities and concluded that Golden Valley has the largest setbacks compared to the other cities. He also discussed secondary front lots that are located on corner lots and showed how Golden Valley applies setbacks there and how it can make a lot unbuildable. In all other peer cities, exceptions to the setback in the secondary front yard provide relief and allow a larger buildable envelope. Segelbaum asked if these regulations were all for the narrowest lots. Campbell said yes, that was the case. Zimmerman said the lack of an exception in the Golden Valley code has led to a handful of variance requests. Blum asked if there is a minimum building width. Zimmerman said it is 22 feet wide.

Zimmerman provided an overview of how height is measured and compared it to peer cities. Generally, Golden Valley has a stricter limit on maximum height. Most cities measure from the grade at the front of the building to the midpoint of the highest pitched roof, though Edina does have a hard cap on maximum height. He demonstrated how average grade is established if the grade changes across the front of the building and discussed the regulation that only allows the average grade to increase by one foot when a new home is built. This can cause problems when the lot has issues with drainage or other building code requirements. Edina requires a variance if the increase is proposed to be greater than one foot and there are additional requirements beyond the typical variance points of evaluation. Blum stated he is interested in learning more about those additional requirements as they seem relevant.

Zimmerman provided a review of the tent-shaped building envelope that requires structures to step back as they rise above 15 feet and pointed out that the step back is slightly steeper for narrow lots compared to other lots. He said one potential change to the code could be to make the two slopes consistent, though it would be important to talk to architects and builders to understand how it might impact floorplans. He also pointed out that certain objects, such as bay windows, chimneys, air conditioning units, and other things, are allowed to extend into the side setback area and further restrict the space between homes.

He discussed lot coverage and compared the Golden Valley standard of 40% to that of peer cities which are typically 30% to 35%. He also explained Floor Area Ratio and said that only Minneapolis uses it locally

for residential lots and it is probably overly complicated for Golden Valley to consider and establishing the correct height and coverage regulations would probably accomplish the same thing.

Zimmerman directed the Commission to some questions to think about as the conversation around narrow lots continues. He asked for any general observations or comments.

Segelbaum asked about what limits there are on regulating narrow lots. Zimmerman said if you regulate a lot until is unbuildable, it is likely a taking. However, the City certainly has rights to regulate in order to mitigate potential impacts. The challenge is to find the balance between letting people build a home and not impacting neighbors too much. Johnson asked if there could be a way to examine surrounding homes or lots and regulate based on averages. Zimmerman said that could be a possibility, but needing to survey all neighboring structures would be prohibitively difficult. Segelbaum stated that this approach has worked well in the past it he thinks it would be a good starting point for creating new regulations.

Blum stated he felt the more important point was that people know what to expect when they read the regulations, and not providing openings to circumvent the regulations through variances or other means. He noted that there is some flexibility building into the zoning code, including a rounding provision. He added that based on the data, Golden Valley has larger setbacks and that it is a competitive advantage and that people appreciate this and it should be protected. Sadeghi agreed that this character is important, though in pockets with any narrow lots this may need some adjustment.

Johnson noted that the two factors he thinks are the most important are height and the building envelope. Sadeghi commented that he was eager to hear from the realtors, architects, and builders to understand how the regulations play out. Segelbaum stressed he wants to primarily focus on narrow lots, however that is defined. Blum added that he thinks overlay districts could help manage the character of specific areas.

--Short Recess--

Council Liaison Report

No report was given.

Reports on Meetings of the Housing and Redevelopment Authority, City Council, Board of Zoning Appeals, and other meetings

No other reports were discussed.

Other Business

Blum shared a recent experience as the Planning Commissioner representative on the Board of Zoning Appeals. He was concerned that the Board Members were overly lenient when it came to approving some variances, even when other options existed. Segelbaum noted that there is a regular education for the Board Members about the standard criteria for approving variances. Baker asked if there was agreement on how success should be measured – by keeping the number of variances to a minimum or by working with residents to find workable solutions? Johnson wondered if the two groups should meet

to talk about the concern. Baker suggested at the appropriate time the Commission could send word to the Council and suggest they look at the topic more closely.

Adjournment

MOTION made by Baker, seconded by Johnson, and the motion carried unanimously to adjourn the meeting at 9:12 pm.

Adam Brookins, Secretary

Jason Zimmerman, Planning Manager